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David's 10/28 e-mail and other recent e-mails address revisions to the Water Plan draft that relate to Public Trust. When the workshop discussed the definition of Public Trust, it was my understanding that all of us, including Ginny, agreed that the legal definition of Public Trust should be accepted, but that there are broad social interests that should be protected even though they are broader than that legal definition of trust, and that this broader social interest should also be protected in the Water Plan.

The draft has been greatly improved in recognition of the legally defined trust. However, it does not address this broader social interest. What are the future social consequences of reallocating a limited water supply from one area of public need to another? What are the social consequences of continuing to deplete our groundwater resources? Etc.

I understand that the current effort is limited to these questions. However, it is disappointing that the next draft will still be deficient in respect to other issues that have often been discussed.

- 1) The fact that "DWR does not have authority over some resources" does not excuse failure to identify measures that could provide an adequate water supply per water Code 10004.6.
- 2) There is still no clear process and commitment to estimate overall future statewide water need, and to identify one or more combinations of measures (strategies) that could meet that need as required by the Water Code and AB 2587, 2002.
- 3) The draft does not assess the broad social consequences if an adequate supply is not provided.
- 4) Storage can serve other purposes, but the primary responsibility of the Water Plan is to propose measures that could provide an adequate water supply. The draft does not discuss subsurface and surface storage in relation to meeting that need. For example, I have not yet seen definitions of "Aquifer remediation" and "conjunctive management" and have not seen an assessment of the statewide increase in water supply they could provide.
- 5) The Plan still abdicates the state's responsibility to determine whether non-CALFED storage is needed that can not be undertaken by local interests.